



US Army Corps
of Engineers

Detroit District

Applicant: Joe Nahas

Joint Public Notice

In Reply Refer To: Corps File No. LRE 1999-100921
MDEQ File No. 05-50-10

Date: July 2, 2007
Expires: July 21, 2007

Proposed Private Harbor in Lake St. Clair (Anchor Bay) at Chesterfield Township, Michigan

Applicant: Joe Nahas, 39208 Wanda, Sterling Heights, MI, 48313

Project Location: in Lake St. Clair, Section 26, Township 3N, Range 14E, Chesterfield Township, Macomb County, Michigan. The site is a small embayment offshore of the lakeward end of Schneider Road, east off of Jefferson Avenue between 21 Mile Road and 23 Mile Road.

Federal Authority: The applicant has applied for a Department of the Army permit under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

State Authority: Section 401 of the Clean Water Act requires that all discharges of dredged or fill material must be certified by the State as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the State of Michigan Department of Environmental Quality, Land and Water Management Division (MDEQ) and constitutes its public notice as required by Section 401 of the Act. Coastal Zone Management Certification (or waiver thereof) is required from the State of Michigan if this proposed activity would occur within the designated coastal zone.

Project Description: As shown on the attached plans, the applicant proposes to (1) dredge/excavate, install piers, spring pilings and utilities, and discharge fill and riprap; (2) install a storm water outlet from a housing development located landward of the private harbor; and (3) install a riprap barrier and culvert to protect shallow water habitat within the embayment. The facility will provide a total of 10 private boat slips that can accommodate recreational boats up to 40 feet in length. The purpose of the project is to provide a small private harbor for recreational boats and navigational access. The applicant proposes the following activities:

DREDGING/EXCAVATION

Harbor/Slips: Mechanically dredge/excavate, to a depth of 5.8 feet below the Low Water Datum (LWD) elevation of 573.0 referenced to the USGS datum, a total of 5,003 cubic yards (CY) from 0.3-acre area along the north and south inside banks of the embayment, at its mouth, as follows:

Remove 3,568 CY in a 13.5-foot layer from a 7,135-square foot (ft²) area (approximately 130-foot x 60-foot in size) on the north side.

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Remove 1,435 CY in an 8.3-foot layer from a 4,666 ft² (approximately 120-foot x 35-foot in size) on the south side.

Basin/Access Channel: Mechanically dredge, to a depth of 5.8 feet below LWD, a total of 2,603 CY in a 5-foot layer from a 14,055 ft² area for a 160-foot x 60-foot (approximate) harbor basin and 120-foot x 30-foot (approximate) harbor access channel extending from/to an existing recreational navigation channel, to the north, which accesses Lake St. Clair.

FILL DISCHARGE: Along outer harbor shoreline to the south, discharge the following quantities waterward of the Ordinary High Water (OHW) elevation of 577.0 feet USGS and landward of the new riprap shore protection as follows:

Development Fill: 16 CY of fill along 109 linear feet (LF) to raise the grade for the placement of the transverse pier and riprap shore protection.

Flagstone Path: 109 CY of stone in 5-foot wide x 1-foot deep layer along 94 LF.

RIPRAP SHORELINE PROTECTION

Inner Harbor Protection: Discharge riprap along the inside of the excavated harbor as follows:

Discharge 529 CY along 216 linear feet (LF) of new harbor shoreline to the north with a 1:1 slope and toe width of 11.5 feet.

Discharge 221 CY along 212 LF of new harbor shoreline to the south with a 1:1 slope and toe width of 7.5 feet.

Outer Harbor Protection: Discharge riprap along the outer harbor shoreline waterward of the OHW elevation in a 10-foot wide x 1-foot thick layer as follows:

Discharge 72 CY along approximately 194 LF to the north with the top of the riprap 4 feet above the LWD elevation and toe approximately 1-foot below the LWD elevation.

Discharge 277 CY along approximately 747 LF to the south with the top of the riprap 2 feet above the LWD elevation and toe at the LWD elevation.

TRANSVERSE PIER: Along the south side of the embayment and harbor, waterward of the OHW elevation and landward of the riprap shoreline protection, construct 193 LF x 5-foot wide transverse pier with a 30-foot diameter recreational deck at its waterward end. Install flush with surface substrate and to a top elevation approximately 2 feet above the LWD elevation.

HARBOR STRUCTURES

North Piers: Install (3) - 51.5-foot x 3-foot wide piers with mooring cleats and 4 spring pilings in the excavated area north of the new basin to create 6 boat slips. Connect to boardwalk located perpendicular to and north of, these new north piers.

South Piers: Install (2)-47.5 x 3-foot wide piers with mooring cleats and 4 spring pilings in the excavated area south of the new basin to create 4 boat slips. Connect each pier to the new transverse pier located perpendicular to and south of, these new south piers.

UTILITIES: Extend utility bundle (electric, cable, telephone, water service) for 235 LF in trench paralleling the flagstone path and transverse pier; install 4 utility bundle extensions from the main bundle to the north side of transverse pier and install 4 power/water centers along the transverse pier adjacent to the new boat slips.

SUBMERGED STORM WATER OUTFALL PIPE: Excavate 28 CY from 25-foot x 6-foot trench and install a 26-foot x 15-inch diameter storm water outfall pipe with bar grate and bottom invert elevation (IE) of 571.25 feet USGS at its discharge point into the new harbor basin immediately west of the northern harbor area. Backfill trench with 26 CY of excavated material to restore to existing grade. Remove temporary bulkhead at landward end to connect to manhole.

SUBMERGED PROTECTIVE BARRIER: Across the opening of the embayment at the western dredging limit, discharge 45 CY of riprap in 84-foot x 5-foot area of bottomland in a sloping configuration with a top elevation of 0.8-foot below the LWD elevation and bottom elevation of 5.8 feet below the LWD elevation. Post signage advising of barrier.

SUBMERGED CIRCULATION CULVERT: On the south side of the embayment, excavate 28 CY from 5-foot x 38-foot trench and install a 42-foot long x 12-inch diameter pipe with bar grate between the embayment and Lake St. Clair with bottom IE of 572.6 feet USGS. Backfill trench with 27 CY of excavated material to restore to existing grade.

A temporary turbidity containment system would be installed waterward and around the work area. Dredging/excavation and construction activities are expected to take place over a 5-6 month period. Harbor dredging/excavation would be conducted using barge-mounted equipment that may include a dredge, excavator, backhoe, or similar equipment. Dredged/excavated material would be offloaded on the north side of the property and disposed upland on-site. Storm/circulation pipe excavation/installation and fill/riprap placement would be conducted by barge and/or land based construction equipment which may include: crane, backhoe, excavator, bull dozer, grader, etc. Harbor structures would be installed using barge mounted equipment which may include a pile driver and crane.

Other Authorizations: The applicant has either received or requested the following governmental authorization:

Michigan Department of Environmental Quality - NREPA, 1994 PA 451, Part 325 Submerged Lands
Michigan Department of Environmental Quality - Section 401 Water Quality Certification

Comments: We are publishing this notice in compliance with Title 33 Code of Federal Regulations Parts 320-330 and the Michigan statutes listed above. Comments on the project should be submitted in writing and postmarked or delivered by the expiration date of this public notice. Comments of a positive or negative nature may be submitted. All responses must refer to file number LRE-1999-100921/05-50-10P.

File No. LRE-1999-100921

We will interpret a lack of response as meaning that there is no objection to the permit application. Comments should be filed with:

a. Wally Gauthier, Chief, Permit Evaluation Branch B, Regulatory Office, Detroit District, Corps of Engineers, P.O. Box 1027, Detroit, Michigan 48231. Comments may be e-mailed to: Colette.M.Luff@usace.army.mil, but must include a name and mailing address.

b. State permit and/or water quality certification comments should be filed with the Michigan Department of Environmental Quality (MDEQ), Land and Water Management Division, P.O. Box 30204, Lansing, Michigan 48909.

After the closing of the response period, the Corps and the MDEQ will exchange timely comments received.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Evaluation: The decision whether to issue the Department of the Army permit and State permits will be based on independent conclusions of the Corps of Engineers and the Michigan Department of Environmental Quality, respectively, after evaluation of the probable impact of the proposed activity on the public interest. These decisions will reflect the national/state concerns for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This activity involves the discharge of dredged or fill material into waters of the United States. Therefore, the U.S. Army Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator of the Federal Environmental Protection Agency, under the authority of Section 404(b)(1) of the Clean Water Act.

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Endangered Species: We will review this application for the potential impact on threatened or endangered species pursuant to Section 7 of the Endangered Species Act as amended. We are not aware of the presence of any listed species or critical habitat at or in the vicinity of the proposed worksite. We invite information and/or comments regarding the potential presence of, or impacts to, any listed species or critical habitat.

Cultural Resources: The District Staff has reviewed existing information on historic properties potentially affected by the proposed project, including the National Register of Historic Places. There are no recorded historic properties within the permit area. The permit area has been so extensively modified by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed historic property. The District Engineer invites responses to this Public Notice from federal, state and local agencies, historical and archaeological societies, Indian tribes, and other parties likely to have knowledge of or concerns with historic properties in the area.

Additional Information: Questions concerning this application may be directed to Colette Luff at the Corps of Engineers address listed above, or telephone number (313) 226-7485.

FOR THE DISTRICT ENGINEER:

Steven E. Chester
Director
Department of
Environmental Quality

Wally Gauthier
Chief, Permit Evaluation Branch B
Regulatory Office

NOTICE TO POSTMASTERS:

We request that the above notice be conspicuously and continuously posted for the time period of this notice.